

To: Hagler, Tom[Hagler.Tom@epa.gov]
From: Restore the Delta
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Subject: Restore the Delta Response to DWR Testimony Today

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DELTA TUNNELS
CA DWR Submits Testimony to State Water Board,
Restore the Delta Response

In a media call and testimony submitted to the State Water Resources Control Board today, the California Department of Water Resources laid out their case for the Delta Tunnels (CA WaterFix).

The testimony is largely a rehash of unsubstantiated claims about the Delta Tunnels project that have not been proven, despite more than 40,000 pages of environmental review that the US Environmental Protection Agency has declared is still "inadequate" (a failing grade.)

Below is the response from Restore the Delta

Barbara Barrigan-Parrilla, executive director of Restore the Delta.

"DWR makes the following claim in their testimony, 'New, properly screened intakes, as proposed in the California WaterFix, would better protect fish and allow us to use the existing south Delta pumps in a strategic and flexible manner in a dual conveyance system with the proposed north delta diversions.'

"To this we say, prove it! The environmental impact report for the project already tells us you can't! Show Californians, and federal wildlife agencies, proof that the Delta Tunnels plan will protect West Coast fisheries, because that proof is certainly not found in the environmental impact report.

And when it turns out the Tunnels are not protective of endangered species, what then? Will the Delta Tunnels remain dry from ongoing drought? If not, where is the proof with a water availability analysis? CA WaterFix is nothing more than a very expensive gamble based on cherry picked science. But now we have the opportunity to get at the facts in a formal hearing process. We relish the

opportunity.”

Tim Stroshane, policy analyst for Restore the Delta added:

“While DWR submitted over 5,000 pages for its case to the Board, they submitted no exhibits addressing why the economic benefits and costs of the Delta Tunnels proposal are in the public interest. This is a huge omission.

“It appears likely that the agency has refined its modeling to buttress their existing talking points, such as the alleged benefits of dual conveyance providing flexible response to listed fish for real time operation of diversions. They also continue to claim that water rights holders will not be injured by Tunnels operations, without specifics.

“The State Water Resources Control Board specifically asked for testimony on whether this change petition is really a new water right application. DWR’s case-in-chief maintains that an old diversion point in their permits at Hood in the north Delta is “close enough” to the new Tunnels intakes at Clarksburg and Courtland to justify the Board deciding this is a small change in their permits.

“Instead, we think Hood is a different location than either Clarksburg or Courtland. Board rules require that water availability analysis is done for new water right applications. And the outcome of this decision could result in the Tunnels getting water rights that are over fifty to seventy years junior to the rest of the State Water Project.

“DWR argues that their petition is not a new water right because they claim that several operational aspects of the Tunnels (upstream storage, overall Banks/Jones pumping) will not change materially, this is merely a modification of the existing CVP and SWP permits.

“Delta advocates beg to differ, any added diversion point requires issuance of a new water right permit. If the State Water Board agrees with Delta advocates and decides it’s a new water right, Tunnel backers would need to do a water availability analysis to follow their procedures. We doubt they would find enough water to sustain the Tunnels project. They already don’t have enough.”

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